

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 1342 PERMIT 808 LICENSE 1618

ORDER AMENDING AND REPLACING ORDER DATED JUNE 11, 1984

WHEREAS:

1. License 1618 was issued to Southern California Edison Company, Ltd and was filed with the County Recorder of Fresno County on March 5, 1936.
2. An order allowing additional points of diversion and place of use was granted on June 11, 1984 and has been recorded with the County Recorder of Fresno County on June 25, 1984.
3. A petition for reconsideration was filed with the State Water Resources Control Board resulting in a letter from Chief of the Division of Water Rights setting forth some changes and Board Order WR 84-11 also authorizing changes. The Board has determined that good cause for such change has been shown. This order will replace the order dated June 11, 1984.
4. The Board has determined that the changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion and diversion under this license shall be as follows:

Point of Diversion:

Bear Creek: South 17° 52' 48" East 12,237.6 feet from SW corner of Section 25, T6S, R27E, MDB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T7S, R27E, MDB&M.

Points of Diversion:

1. Big Creek Dam No. 1: North 32° 36' 01" East 2,577.33 feet from the SW corner of Section 14, T8S, R25E, MDB&M, being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 14.
2. Stevenson Creek: North 27° 20' 18" East 1,591.2 feet from the South quarter corner of Section 13, T9S, R24E, MDB&M, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 13.
3. Big Creek Dam No. 4: North 31° 43' 38" West 7,948.23 feet from the South quarter corner of Section 34, T8S, R25E, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28, T8S, R25E, MDB&M.
4. Big Creek Dam No. 5: North 0° 58' 31" West 6,276.23 feet from the SW corner of Section 36, T8S, R24E, MDB&M, being within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26, T8S, R24E, MDB&M.

5. San Joaquin River Dam No. 6: North 8° 29' 55" West 9,231.86 feet from the SE corner of Section 34, T8S, R24E, MDB&M, being within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 27, T8S, R24E, MDB&M.
6. Balsam Meadow Dam: South 34° East 3,100 feet from NW corner of Section 9, T9S, R25E, MDB&M, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 9.
7. Portal Forebay Dam: North 61° East 1,900 feet from SW corner of Section 18, T7S, R27E, MDB&M, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 18.

2. The place of use under this license shall be as follows:

Portal Power Plant within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5, T8S, R26E, MDB&M
 Power House No. 1 within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28, T8S, R25E, MDB&M
 Power House No. 2 within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 25, T8S, R24E, MDB&M
 Power House No. 2A within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 25, T8S, R24E, MDB&M
 Power House No. 8 within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T8S, R24E, MDB&M
 Power House No. 3 within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17, and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18, both in T9S, R24E, MDB&M.
 Balsam Meadow Powerhouse within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16, T9S, R25E, MDB&M.

The water is returned to San Joaquin River within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18, T9S, R24E, MDB&M.

3. The following terms are added to the license:

1. Actual construction work on the Balsam Meadow Project shall begin on or before two years from date of change order and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this change order may be revoked.

2. Construction work shall be completed by December 1, 1989.

3. Complete application of the water to the authorized use shall be made by December 1, 1993.

4. Licensee shall comply with the following provisions for the Balsam Meadow Project. The provisions are derived from the agreement between the Licensee and the California Department of Fish and Game executed on August 9, 1982 and filed with the State Water Resources Control Board:

- (1) To establish and/or maintain instream beneficial uses affected by the project licensee shall maintain the following continuous minimum regulated flows in cubic feet per second, immediately downstream from the confluence of Tunnel No. 7 outlet and North Fork Stevenson Creek:

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Water Year Condi- tion	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Normal:	4	4	4	3.5	3.5	3.5	5	5	5	4.5	4.5	4.5
Dry:	3	3	3	3	3	3	4	4	4	3.5	3.5	3.5

The following definitions shall be used in determining water year conditions:

- (a) Normal Year: During the annual period from May 1 to April 30, whenever the April 1 forecast of the United States Bureau of Reclamation for the April through July natural runoff of the San Joaquin River at Friant Dam exceeds 900,000 acre-feet.

- (b) Dry Year: During the annual period from May 1 to April 30, whenever the April 1 forecast of the United States Bureau of Reclamation for the April through July natural runoff of the San Joaquin River at Friant Dam is equal to or less than 900,000 acre-feet.

If during a designated dry year, the February 1 or March 1 California Department of Water Resources forecast of unimpaired runoff for the San Joaquin River at Friant Dam indicates that dry year conditions no longer prevail, normal year flow releases shall resume within 7 days after notification by the Department of Fish and Game.

- (2) Licensee shall install and properly maintain a continuous flow recorder, satisfactory to the State Water Resources Control Board which is capable of measuring flows near the intersection of North Fork Stevenson Creek and the Shaver Lake perimeter road. Measurement records shall be provided to the Department of Fish and Game and the State Water Resources Control Board upon request.
- (3) Licensee, after project completion, shall with California Department of Fish and Game approval introduce spawning gravels into the upper channel of the North Fork Stevenson Creek below the Tunnel No. 7 outlet. Should stream flushing occur as a direct result of powerhouse operation and fish and spawning gravels or vegetation are removed, Licensee shall with Department of Fish and Game approval, replace or restore essential spawning gravel, trout and riparian vegetation.
- (4) Licensee shall, prior to the alteration of Stevenson Meadow, remove the small population of resident rainbow trout and plant them in acceptable habitat in the North Fork Stevenson Creek.
- (5) To enhance the fishery production of Shaver Lake, licensee shall:
 - (a) develop fishery production terraces within Shaver Lake utilizing up to 15,000 cubic yards of coarse tunnel tailings. Upon these terraced areas licensee shall develop rock escape areas and vegetative plantings to improve fish species composition, provide food, and assist juvenile fish escapement.
 - (b) develop a combination of vegetative plantings and developed rock escapement areas specifically for the breeding and propagation of warm-water game fish at other accessible locations within the northeast sector (Sections 19, 20 & 29) of Shaver Lake. Rock materials utilized in construction of the fish escapement areas shall be 8 inches or larger in size. Licensee shall supply and plant willow plants, in the form of native willow starts utilized for reservoir improvement.
 - (c) prior to completion of tunnel tailrace construction, with Department of Fish and Game approval, develop implementation plans which include specific sites and techniques necessary to effect item (a) and (b) above.
- (6) To compensate for project-induced impacts to wildlife resources, licensee shall implement a Habitat Management Plan to preserve or increase the carrying capacities and diversity of wildlife habitats on lands in the vicinity of the project. The Habitat Management Plan shall be submitted to the State Water Resources Control Board for review and approval prior to implementation. The Board shall maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goal of preserving or increasing the capacity and diversity of wildlife habitat in the project vicinity.

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- (7) Licensee shall develop and implement a Road Plan which will be designed to mitigate/compensate significant long and short-term impacts to wildlife and their habitat due to project construction activities. Prior to diversion and use of water, the Road Plan shall be submitted to the State Water Resources Control Board for review and approval. The Board shall maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goal of mitigation/ - compensation for construction impacts.
 - (8) If licensee determines that a construction camp is necessary, licensee shall:
 - (a) develop a recreational plan acceptable to the Department of Fish and Game for construction camp personnel, and
 - (b) 12 months after the project becomes operational, licensee shall restore the construction camp area to its natural condition. This shall be accomplished by the removal of all support facilities, replanting trees where necessary, reestablishing herbaceous and browse forage, and establishment of roadside screening.
 - (9) To mitigate impacts to disturbed site, Licensee shall develop and implement rehabilitation plans for laydown and construction areas and the Balsam Meadow spillway. Such plans shall be submitted to the State Water Resources Control Board for review and approval six months prior to project operation. The Board shall maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goals of the plans.
 - (10) To mitigate/compensate for effects on wildlife in the transmission line right-of-way, Licensee shall develop and implement a vegetative clearing and maintenance plan which is satisfactory to the Department of Fish and Game and the United States Forest Service. Such plan shall be submitted to the State Water Resources Control Board for review and approval prior to implementation. The Board shall maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goals of the plan.
 - (11) Licensee shall, beginning with the acceptance of the amendment to the Federal Energy Regulatory Commission license, conduct annual nesting raptor surveys at all project construction sites and identify the specific raptors. If active raptor nests are discovered within $\frac{1}{4}$ mile of any construction site, licensee shall inform the United States Forest Service who shall recommend appropriate measures to be implemented.
5. Licensee shall, prior to construction of the Balsam Meadow project, file a report of Waste Discharge pursuant to Water Code Section 13260 with the California Regional Water Quality Control Board, Central Valley Region, (Regional Board) and shall comply with all Waste Discharge Requirements issued by the Regional Board. If the Regional Board waives issuance of Waste Discharge Requirements, the licensee shall comply with Parts I and II of the "Guidelines for Protection of Water Quality During Construction and Operation of Small Hydro Projects" (Guidelines) as contained in the Water Quality Control Plans of the Central Valley Basin.

Specific requirements set forth in the change order shall prevail over any specific or general requirements in the referenced Guidelines in the event of conflict.

When complying with the Guidelines pursuant to this condition, the licensee shall not commence construction until the Erosion Control Plan and any baseline data required by the Guidelines have been submitted to and approved in writing by the Regional Board; and before commencing sluicing operation, the licensee shall submit and receive written approval from the Regional Board of the Sluicing Operation Plan.

6. Within 180 days the Licensee shall, in consultation with the California Department of Fish and Game, prepare a report (1) specifying meadow habitat mitigation objectives, (2) providing a monitoring program for measuring compliance with the objectives and submit the report to the State Water Resources Control Board for approval.
 - o Mitigation objectives shall be stated as general terms and terms capable of measurement.
 - o Monitoring shall result in data permitting comparison of mitigation objectives with mitigation accomplishments.

Commencing January 1, 1989 and continuing through January 1, 1993, the Licensee shall submit annual reports to the Board summarizing mitigation work completed, work in progress or to be initiated and mitigation measures accomplished. If mitigation objectives are not accomplished by December 1, 1993, the Licensee shall, within 6 months and in consultation with the Department, prepare a report which either recommends additional actions to ensure successful meadow rehabilitation or alternative mitigation measures and submit the report to the Board for approval. The Board retains jurisdiction to require the Company to implement additional actions to ensure successful meadow rehabilitation or alternative mitigation measures.

7. The following recreational facilities shall be provided by the Licensee unless substitute mitigation measures are agreed to by the Company and the United States Forest Service. The substitute measures shall be submitted to the State Water Resources Control Board for review and approval:
 - a. A snow play area located just off State Highway Route 168 at the entrance road to the Balsam Meadow Forebay site, with a 20- to 30-car paved parking lot and vault toilets.
 - b. A walk-in day use area with 5 picnic sites and vault toilets at the reservoir site.
 - c. A snow play area, to be located at the existing turn-out/parking area on State Highway Route 168 near Pinchot Knob; portable toilets shall be provided in the winter.
 - d. Cross-country ski trails, consisting of 8-10 miles of loop trails.
 - e. Licensee shall be responsible for maintaining the above recreational facilities in a usable fashion.
8. The licensee shall complete all of the mitigation measures proposed in the Balsam Meadow Cultural Resources Management Plan and the Final EIR. Licensee shall fund all of the cultural resource studies outlined in these mitigation measures. Such studies shall be conducted by professional archeologists, historians, and anthropologists, familiar with the Balsam Meadow cultural resource setting, under contract to licensee. The licensee shall complete all of the data recovery (archeological) mitigation prior to commencing any project construction or land disturbance. The licensee shall additionally fund any cultural resource studies deemed necessary, by the United States Forest Service and the State Historic Preservation Office, to identify, evaluate, and mitigate and/or protect and previously unrecorded cultural resources that are discovered during the design and construction phases of the Balsam Meadow Project.

9. Licensee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.
10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against unreasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.
11. The quantity of water diverted under this license is subject to modification by the State Water Resources Control Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Dated: FEBRUARY 11 1985

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

License # 1618

Appl. # 1342

SEE ORDER WR84-11

ORDER AMENDING AND AFFIRMING PERMIT AND
ORDERS GRANTING PETITIONS FOR CHANGE,
AND DENYING PETITION FOR RECONSIDERATION

DATED SEPTEMBER 6, 1984

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 1342 PERMIT 808 LICENSE 1618

ORDER ALLOWING ADDITIONAL POINTS OF REDIVERSION AND PLACE OF USE

WHEREAS:

1. License 1618 was issued to Southern California Edison Company Ltd. and was filed with the County Recorder of Fresno County on March 5, 1936.
2. An order allowing change in place of use was granted on April 25, 1955 and has been filed with the County Recorder of Fresno County on May 12, 1955.
3. A petition to add points of rediversion, and place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such additions has been shown.
4. The Board has determined that the petitioned additions do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion and rediversions under this license shall be as follows:

Point of Diversion:

Bear Creek: South 17° 52' 48" East 12,237.6 feet from SW corner of Section 25, T6S, R27E, MDB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 12, T7S, R27E, MDB&M.

Points of Rediversion:

1. Big Creek Dam No. 1: North 32° 36' 01" East 2,577.33 feet from SW corner of Section 14, T8S, R25E, MDB&M, being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 14.
2. Stevenson Creek: North 27° 20' 18" East 1,591.2 feet from South quarter corner of Section 13, T9S, R24E, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 13.
3. Big Creek Dam No. 4: North 31° 43' 38" West 7,948.23 feet from the South quarter corner of Section 34, T8S, R25E, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28, T8S, R25E, MDB&M.
4. Big Creek Dam No. 5: North 0° 58' 31" West 6,276.23 feet from the SW corner of Section 36, T8S, R24E, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 26, T8S, R24E, MDB&M.
5. San Joaquin River Dam No. 6: North 8° 29' 55" West 9,231.86 feet from the SE corner of Section 34, T8S, R24E, MDB&M, being within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 27, T8S, R24E, MDB&M.
6. Balsam Meadow Dam: South 34° East 3,100 feet from NW corner of Section 9, T9S, R25E, MDB&M, being within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 9.
7. Portal Forebay Dam: North 61° East 1,900 feet from SW corner of Section 18, T7S, R27E, MDB&M, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 18.

2. The place of use under this license shall be as follows:

Portal Power Plant, within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 5, T8S, R26E, MDB&M
Power House No. 1, within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 28, T8S, R25E, MDB&M
Power House No. 2, within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 25, T8S, R24E, MDB&M
Power House No. 2A, within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 25, T8S, R24E, MDB&M
Power House No. 8, within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 27, T8S, R24E, MDB&M
Power House No. 3, within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 17, and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 18,
both within T9S, R24E, MDB&M
Balsam Meadow Powerhouse within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 16, T9S, R25E, MDB&M

The water is returned to San Joaquin River in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 18,
T9S, R24E, MDB&M.

3. The following terms are added to the license:

1. Actual construction work on the Balsam Meadow Project shall begin on or before two years from date of change order and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this change order may be revoked.
2. Construction work shall be completed by December 1, 1989.
3. Complete application of the water to the authorized use shall be made by December 1, 1993.
4. Licensee shall comply with the following provisions which are derived from the agreement between licensee and the California Department of Fish and Game executed on August 9, 1982 and filed with the State Water Resources Control Board:
 - (1) To establish and/or maintain instream beneficial uses affected by the project licensee shall maintain the following continuous minimum regulated flows in cubic feet per second, immediately downstream from the confluence of Tunnel No. 7 outlet and North Fork Stevenson Creek:

Water Year Condit- ion	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Normal:	4	4	4	3.5	3.5	3.5	5	5	5	4.5	4.5	4.5
Dry:	3	3	3	3	3	3	4	4	4	3.5	3.5	3.5

The following definitions shall be used in determining water year conditions:

- (a) Normal Year: During the annual period from May 1 to April 30, whenever the April 1 forecast of the United States Bureau of Reclamation for the April through July natural runoff of the San Joaquin River at Friant Dam exceeds 900,000 acre-feet.
- (b) Dry Year: During the annual period from May 1 to April 30, whenever the April 1 forecast of the United States Bureau of Reclamation for the April through July natural runoff of the San Joaquin River at Friant Dam is equal to or less than 900,000 acre-feet.

If during a designated dry year, the February 1 or March 1 California Department of Water Resources forecast of unimpaired runoff for the San Joaquin River at Friant Dam indicates that dry year conditions no longer prevail, normal year flow releases shall resume within 7 days after notification by the Department of Fish and Game.

- (2) Licensee shall install and properly maintain a continuous flow recorder, satisfactory to the State Water Resources Control Board, which is capable of measuring flows near the intersection of North Fork Stevenson Creek and the Shaver Lake perimeter road. Measurement records shall be provided to the Department of Fish and Game and the State Water Resources Control Board upon request.
- (3) Licensee, after project completion, shall with California Department of Fish and Game approval introduce spawning gravels into the upper channel of the North Fork Stevenson Creek below the Tunnel No. 7 outlet. Should stream flushing occur as a direct result of powerhouse operation and fish and spawning gravels or vegetation are removed, Licensee shall with Department of Fish and Game approval, replace or restore essential spawning gravel, trout and riparian vegetation.
- (4) Licensee shall, prior to the alteration of Stevenson Meadow, remove the small population of resident rainbow trout and plant them in acceptable habitat in the North Fork Stevenson Creek.
- (5) To enhance the fishery production of Shaver Lake, licensee shall:
 - (a) develop fishery production terraces within Shaver Lake utilizing up to 15,000 cubic yards of coarse tunnel tailings. Upon these terraced areas licensee shall develop rock escape areas and vegetative plantings to improve fish species composition, provide food, and assist juvenile fish escapement.
 - (b) develop a combination of vegetative plantings and developed rock escapement areas specifically for the breeding and propagation of warm-water game fish at other accessible locations within the northeast sector (Sections 19, 20 & 29) of Shaver Lake. Rock materials utilized in construction of the fish escapement areas shall be 8 inches or larger in size. Licensee shall supply and plant willow plants, in the form of native willow starts utilized for reservoir improvement.
 - (c) prior to completion of tunnel tailrace construction, with Department of Fish and Game approval, develop implementation plans which include specific sites and techniques necessary to effect item (a) and (b) above.

- (6) To compensate for project-induced impacts to wildlife resources, licensee shall implement a Habitat Management Plan to preserve or increase the carrying capacities and diversity of wildlife habitats on lands in the vicinity of the project. The Habitat Management Plan shall be submitted to the State Water Resources Control Board for review and approval prior to implementation. The Board shall maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goal of preserving or increasing the capacity and diversity of wildlife habitat in the project vicinity.
- (7) Licensee shall develop and implement a Road Plan which will be designed to mitigate/compensate significant long and short-term impacts to wildlife and their habitat due to project construction activities. Prior to diversion and use of water, the Road Plan shall be submitted to the State Water Resources Control Board for review and approval. The Board shall maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goal of mitigation/ - compensation for construction impacts.
- (8) If licensee determines that a construction camp is necessary, licensee shall:
 - (a) develop a recreational plan acceptable to the Department of Fish and Game for construction camp personnel, and
 - (b) 12 months after the project becomes operational, licensee shall restore the construction camp area to its natural condition. This shall be accomplished by the removal of all support facilities, replanting trees where necessary, reestablishing herbaceous and browse forage, and establishment of roadside screening.
- (9) To mitigate impacts to disturbed site, licensee shall develop and implement rehabilitation plans for laydown and construction areas and the Balsam Meadow spillway. Such plans shall be submitted to the State Water Resources Control Board for review and approval prior to construction. The Board shall maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goals of the plans.
- (10) To mitigate/compensate for effects on wildlife in the transmission line right-of-way, licensee shall develop and implement a vegetative clearing and maintenance plan which is satisfactory to the Department of Fish and Game and the United States Forest Service. Such plan shall be submitted to the State Water Resources Control Board for review and approval prior to implementation. The Board should maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goals of the plan.
- (11) Licensee shall, beginning with the acceptance of the amendment to the Federal Energy Regulatory Commission license, conduct annual nesting raptor surveys at all project construction sites and identify the specific raptors. If active raptor nests are discovered within $\frac{1}{4}$ mile of any construction site, licensee shall inform the United States Forest Service who shall recommend appropriate measures to be implemented.

5. Licensee shall, prior to construction of the Balsam Meadow project, file a report of Waste Discharge pursuant to Water Code Section 13260 with the California Regional Water Quality Control Board, Central Valley Region, (Regional Board) and shall comply with all Waste Discharge Requirements issued by the Regional Board. If the Regional Board waives issuance of Waste Discharge Requirements, the licensee shall comply with Parts I and II of the "Guidelines for Protection of Water Quality During Construction and Operation of Small Hydro Projects" (Guidelines) as contained in the Water Quality Control Plans of the Central Valley Basin.

Specific requirements set forth in the change order shall prevail over any specific or general requirements in the referenced Guidelines in the event of conflict.

When complying with the Guidelines pursuant to this condition, the licensee shall not commence construction until the Erosion Control Plan and any baseline data required by the Guidelines have been submitted to and approved in writing by the Regional Board; and before commencing sluicing operation, the licensee shall submit and receive written approval from the Regional Board of the Sluicing Operation Plan.

6. Prior to diversion and use of water, licensee shall consult with the California Department of Fish and Game and develop an Alternative Meadow Compensation Plan. Said plan shall be reviewed and approved by the State Water Resources Control Board.
7. Licensee shall undertake a monitoring program to evaluate the effectiveness of that portion of the Habitat Management Plan (see other terms herein) which deals with meadow rehabilitation. Said monitoring program shall include, at a minimum, the following two-phase approach:

Phase I: Before initial habitat work commences on the meadows, licensee in cooperation with the Department of Fish and Game, shall monitor deer usage and determine achievable objectives for increasing deer usage in those areas. These objectives shall be compatible with other goals of the management plan.

Phase II: Following completion of the initial meadow habitat enhancement work, in cooperation with the Department of Fish and Game, licensee shall periodically monitor deer usage of these meadows and evaluate the trend in actual usage against objectives established during Phase I.

If the Phase II monitoring shows that deer usage is below the objective and the habitat manipulation objective has not been met, licensee shall undertake a study to determine whether lower than expected deer usage is attributable to external factors or to deficiencies in the habitat management plan. If the latter is found to be the case, licensee, in cooperation with the Department of Fish and Game, shall further modify the wildlife habitat management plan to achieve the desired objectives for deer usage. If desired objectives for deer usage cannot be obtained, licensee, in cooperation with the Department of Fish and Game, shall institute the alternative meadow compensation plan (Condition 6).

8. Licensee shall provide the following recreational facilities:
 - a. A snow play area located just off State Highway Route 168 at the entrance road to the Balsam Meadow Forebay site, with a 20- to 30-car paved parking lot and vault toilets.
 - b. A walk-in day use area with 5 picnic sites and vault toilets at the reservoir site.

- c. A snow play area, to be located at the existing turn-out/parking area on State Highway Route 168 near Pinchot Knob; portable toilets shall be provided in the winter.
 - d. Cross-country ski trails, consisting of 8-10 miles of loop trails.
 - e. Licensee shall be responsible for maintaining the above recreational facilities in a usable fashion.
9. The licensee shall complete all of the mitigation measures proposed in the Balsam Meadow Cultural Resources Management Plan and the Final EIR. Licensee shall fund all of the cultural resource studies outlined in these mitigation measures. Such studies shall be conducted by professional archeologists, historians, and anthropologists, familiar with the Balsam Meadow cultural resource setting, under contract to licensee. The licensee shall complete all of the data recovery (archeological) mitigation prior to commencing any project construction or land disturbance. The licensee shall additionally fund any cultural resource studies deemed necessary, by the United States Forest Service and the State Historic Preservation Office, to identify, evaluate, and mitigate and/or protect any previously unrecorded cultural resources that are discovered during the design and construction phases of the Balsam Meadow Project.
10. Licensee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.
11. Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
- The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

License 1618 (Application 1342)
Page 7

12. The quantity of water diverted under this permit and under license is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

JUNE 11 1984

Dated:

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

ORDER

APPLICATION 1342

PERMIT 808

LICENSE 1618

ORDER ALLOWING CHANGE IN PLACES OF USE

Licensee having established to the satisfaction of the State Engineer that the change in places of use under Application 1342, Permit 808, License 1618, for which petition was submitted on December 9, 1954, will not operate to the injury of any other legal user of water, the State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the places of use under said Application 1342, Permit 808, License 1618, to places of use described as follows, to wit:

PORTAL POWER PLANT WITHIN NE $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 5, T 8 S, R 26 E, MDB&M
POWER HOUSE NO 1 WITHIN NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 28, T 8 S, R 25 E, MDB&M
POWER HOUSE NO 2 WITHIN SW $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 25, T 8 S, R 24 E, MDB&M
POWER HOUSE NO 2A WITHIN SW $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 25, T 8 S, R 24 E, MDB&M
POWER HOUSE NO 8 WITHIN NE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SECTION 27, T 8 S, R 24 E, MDB&M
POWER HOUSE NO 3 WITHIN SW $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SECTION 17 AND SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SECTION 18, BOTH IN T 9 S, R 24 E, MDB&M

THE WATER IS RETURNED TO SAN JOAQUIN RIVER IN SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SECTION 18, T 9 S, R 24 E, MDB&M

WITNESS my hand and the seal of the Department of Public Works of the State of California this 25 day of April, 1955

A. D. EDMONSTON, STATE ENGINEER

By Harvey O. Banks
Assistant State Engineer





STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 1618

PERMIT 808

APPLICATION 1342

THIS IS TO CERTIFY, That Southern California Edison Company Ltd., (formerly Southern California Edison Company) of Los Angeles, California, has made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of Bear Creek in Fresno County

tributary of South Fork of San Joaquin River

for the purpose of generating power under Permit 808 of the Division of Water Resources and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources and the terms of the said permit; that the priority of the right herein confirmed dates from July 3, 1919,

that the amount of water to which such right is ~~entitled~~ hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed eighty-one thousand (81,000) acre feet per annum to be diverted and used under the following limitations and conditions to wit: (1) the rate of diversion shall not exceed a maximum daily average of 350 cubic feet per second; (2) the combined total rate of diversion from Bear Creek under this license and from Mono Creek under Application 1341, License 1617, shall not exceed a maximum daily average of 675 cubic feet per second; (3) when diversion is made from either source the diversion conduits from both Bear Creek and Mono Creek shall remain open and self-regulating except during periods of necessary repair or emergency; (4) diversion may be made either for immediate use at Power Houses 1, 2, 2A, 8 and 3, or for similar use after storage in reservoirs of maximum capacities of 89,766 acre feet at Huntington Lake and 135,375 acre feet at Shaver Lake, all as more particularly described hereinafter; and (5) the maximum rate of simultaneous use under this license and under Application 1341, License 1617, Application 1343, License 1619, Application 1344, License 1620, Application 1345, License 1621, and Application 1346, License 1622 at Power Houses 1 and 2A shall not exceed 1,286 cubic feet per second.

Diversion, redirection, storage, and use respectively, are made at the following places as shown on map entitled "EXHIBIT C-10 DIVISION OF WATER RESOURCES - STATE OF CALIFORNIA - Applications 1341 to 1346 - Permits 807 to 812", etc., filed with the Division of Water Resources June 3, 1935, amended and refiled February 24, 1936.

PLACES OF DIVERSION, REDIVERSION AND STORAGE

(a) Divert for immediate use and to storage in Huntington Lake Reservoir and/or Shaver Lake Reservoir from Bear Creek in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T 7 S, R 27 E, M.D.B.&M. at a point which bears S. 17° 52' 48" E. 12,237.6 feet from the Southwest corner of Section 25, T 6 S, R 27 E, M.D.B.&M.; (b) Store in Huntington Lake Reservoir and/or redirect on Big Creek at Dam No. 1 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T 8 S, R 25 E, M.D.B.&M. at

~~a description of the lands or the place where such water is put to beneficial use is as follows:~~
a point which bears N. 32° 36' 01" E. 2577.33 feet from the Southwest corner of said Section 14; (c) Store in Shaver Lake Reservoir and/or redirect on Stevenson Creek in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T 9 S, R 24 E, M.D.B.&M., at a point which bears N. 27° 20' 18" E. 1591.2 feet from the South quarter corner of said Section 13; (d) Redirect on Big Creek at Dam No. 4 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T 8 S, R 25 E, M.D.B.&M. at a point which bears N. 31° 43' 38" W. 7948.23 feet from the South quarter corner of Section 34, T 8 S, R 25 E, M.D.B.&M.; (e) Redirect on Big Creek at Dam No. 5 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T 8 S, R 24 E, M.D.B.&M. at a point which bears N. 0° 58' 31" W. 6276.23 feet from the Southwest corner of Section 36, T 8 S, R 24 E, M.D.B.&M.; (f) Redirect on San Joaquin River at Dam No. 6 in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T 8 S, R 24 E, M.D.B.&M. at a point which bears N. 8° 29' 55" W. 9231.86 feet from the Southeast corner of Section 34, T 8 S, R 24 E, M.D.B.&M.

PLACES OF USE

Power House No. 1 in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T 8 S, R 25 E, M.D.B.&M.
Power House No. 2 in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T 8 S, R 24 E, M.D.B.&M.
Power House No. 2A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T 8 S, R 24 E, M.D.B.&M.
Power House No. 8 in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T 8 S, R 24 E, M.D.B.&M.
Power House No. 3 in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, both in T 9 S, R 24 E, M.D.B.&M.

The water is returned to San Joaquin River in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T 9 S, R 24 E, M.D.B.&M.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

Sac. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, of for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and *providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and *providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and *providing, further*, that when such municipality shall desire to use the additional waters granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public
Works of the State of California, this 29th
day of February, 1936.

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy



LICENSE 1618

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO So. Calif. Edison Co., Ltd.

DATED February 29, 1936